



Senate

General Assembly

File No. 184

February Session, 2004

Substitute Senate Bill No. 145

Senate, March 23, 2004

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ENERGY EFFICIENCY STANDARDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-48 of the general statutes, as amended by
2 section 146 of public act 03-6 of the June 30 special session, is repealed
3 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

4 (a) As used in this section:

5 (1) "Commissioner" means the Commissioner of Agriculture and
6 Consumer Protection;

7 (2) "Fluorescent lamp ballast" or "ballast" means a device designed
8 to operate fluorescent lamps by providing a starting voltage and
9 current and limiting the current during normal operation, but does not
10 include such devices that have a dimming capability or are intended
11 for use in ambient temperatures of zero degrees Fahrenheit or less or
12 have a power factor of less than sixty-one hundredths for a single

13 F40T12 lamp;

14 (3) "F40T12 lamp" means a tubular fluorescent lamp that is a
15 nominal forty-watt lamp, with a forty-eight-inch tube length and one
16 and one-half inches in diameter;

17 (4) "F96T12 lamp" means a tubular fluorescent lamp that is a
18 nominal seventy-five-watt lamp with a ninety-six-inch tube length and
19 one and one-half inches in diameter;

20 (5) "Luminaire" means a complete lighting unit consisting of a
21 fluorescent lamp, or lamps, together with parts designed to distribute
22 the light, to position and protect such lamps, and to connect such
23 lamps to the power supply;

24 (6) ["New appliance"] "New product" means [an appliance] a
25 product that is sold, offered for sale, or installed for the first time and
26 specifically includes floor models and demonstration units;

27 (7) "Secretary" means the Secretary of the Office of Policy and
28 Management;

29 (8) "State Building Code" means the building code adopted
30 pursuant to section 29-252;

31 (9) "Torchiere lighting fixture" means a portable electric lighting
32 fixture with a reflector bowl giving light directed upward so as to give
33 indirect illumination;

34 (10) "Unit heater" means a self-contained, vented fan-type
35 commercial space heater that uses natural gas or propane that is
36 designed to be installed without ducts within the heated space. "Unit
37 heater" does not include a product regulated by federal standards
38 pursuant to 42 USC 6291, as amended from time to time, a product that
39 is a direct vent, forced flue heater with a sealed combustion burner, or
40 any oil fired heating system;

41 (11) "Transformer" means a device consisting of two or more coils of

42 insulated wire that transfers alternating current by electromagnetic
43 induction from one coil to another in order to change the original
44 voltage or current value;

45 (12) "Low-voltage dry-type transformer" means a transformer that:
46 (A) Has an input voltage of 600 volts or less; (B) is between 14 kilovolt-
47 amperes and 2,501 kilovolt-amperes in size; (C) is air-cooled; and (D)
48 does not use oil as a coolant. "Low-voltage dry-type transformer" does
49 not include such transformers excluded from the low-voltage dry-type
50 distribution transformer definition contained in the California Code of
51 Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance
52 Efficiency Regulations;

53 (13) "Pass-through cabinet" means a refrigerator or freezer with
54 hinged or sliding doors on both the front and rear of the refrigerator or
55 freezer;

56 (14) "Reach-in cabinet" means a refrigerator, freezer, or combination
57 thereof, with hinged or sliding doors or lids;

58 (15) "Roll-in" or "roll-through cabinet" means a refrigerator or
59 freezer with hinged or sliding doors that allows wheeled racks of
60 product to be rolled into or through the refrigerator or freezer;

61 (16) "Commercial refrigerators and freezers" means reach-in
62 cabinets, pass-through cabinets, roll-in cabinets and roll-through
63 cabinets that have less than eighty-five feet of capacity. "Commercial
64 refrigerators and freezers" does not include walk-in models or
65 consumer products regulated under the federal National Appliance
66 Energy Conservation Act of 1987;

67 (17) "Traffic signal module" means a standard eight-inch or twelve-
68 inch round traffic signal indicator consisting of a light source, lens and
69 all parts necessary for operation and communication of movement
70 messages to drivers through red, amber and green colors;

71 (18) "Illuminated exit sign" means an internally illuminated sign that
72 is designed to be permanently fixed in place and used to identify an

73 exit by means of a light source that illuminates the sign or letters from
74 within where the background of the exit sign is not transparent;

75 (19) "Packaged air-conditioning equipment" means air-conditioning
76 equipment that is built as a package and shipped as a whole to end-
77 user sites;

78 (20) "Large packaged air-conditioning equipment" means air-cooled
79 packaged air-conditioning equipment having not less than 240,000
80 BTUs per hour of capacity;

81 (21) "Commercial clothes washer" means a soft mount front-loading
82 or soft mount top-loading clothes washer that is designed for use in
83 (A) applications where the occupants of more than one household will
84 be using it, such as in multi-family housing common areas and coin
85 laundries; or (B) other commercial applications, if the clothes container
86 compartment is no greater than 3.5 cubic feet for horizontal-axis
87 clothes washers, or no greater than 4.0 cubic feet for vertical-axis
88 clothes washers;

89 (22) "Energy efficiency ratio" means a measure of the relative
90 efficiency of a heating or cooling appliance that is equal to the unit's
91 output in BTUs per hour divided by its consumption of energy,
92 measured in watts.

93 (b) The provisions of this section apply to the testing, certification
94 and enforcement of efficiency standards for the following types of new
95 [appliances] products sold, offered for sale or installed in the state: (1)
96 [Fluorescent ballasts for F40T12 and F96T12 lamps; (2) luminaires with
97 fluorescent ballasts for F40T12 and F96T12 lamps; (3) showerheads]
98 Commercial clothes washers; (2) commercial refrigerators and freezers;
99 (3) illuminated exit signs; (4) large packaged air-conditioning
100 equipment; (5) low voltage dry-type distribution transformers; (6)
101 torchiere lighting fixtures; (7) traffic signal modules; (8) unit heaters;
102 and (9) any other products as may be designated by the commissioner
103 in accordance with subdivision (3) of subsection (d) of this section.

104 (c) The provisions of this section do not apply to (1) new
105 [appliances] products manufactured in the state and sold outside the
106 state, (2) new [appliances] products manufactured outside the state
107 and sold at wholesale inside the state for final retail sale and
108 installation outside the state, (3) [appliances] products installed in
109 mobile manufactured homes at the time of construction, or (4)
110 [appliances] products designed expressly for installation and use in
111 recreational vehicles.

112 (d) (1) Not later than July 1, [1988] 2005, the secretary, in
113 consultation with the commissioner, shall adopt regulations, in
114 accordance with the provisions of chapter 54, [establishing] to
115 implement the provisions of this section and to establish minimum
116 energy efficiency standards for the types of new [appliances] products
117 set forth in subsection (b) of this section. [The regulations may provide
118 such efficiency standards for various categories and types of such new
119 appliances as the secretary shall determine and may establish new or
120 increased efficiency standards to become effective on and after January
121 1, 1990.] The regulations shall provide for the following minimum
122 energy efficiency standards: (A) Commercial clothes washers shall
123 meet the requirements shown in Table P-3 of section 1605.3 of the
124 California Code of Regulations, Title 20: Division 2, Chapter 4, Article
125 4; (B) commercial refrigerators and freezers shall meet the August 1,
126 2004, requirements shown in Table A-6 of said California regulation;
127 (C) illuminated exit signs shall meet the version 2.0 product
128 specification of the "Energy Star Program Requirements for Exit Signs"
129 developed by the United States Environmental Protection Agency; (D)
130 large packaged air-conditioning equipment having not more than
131 760,000 BTUs per hour of capacity shall meet a minimum energy
132 efficiency ratio of 10.0 for units using both electric heat and air
133 conditioning or units solely using electric air conditioning, and 9.8 for
134 units using both natural gas heat and electric air conditioning; (E) large
135 packaged air-conditioning equipment having not less than 761,000
136 BTUs per hour of capacity shall meet a minimum energy efficiency
137 ratio of 9.7 for units using both electric heat and air conditioning or
138 units solely using electric air conditioning, and 9.5 for units using both

139 natural gas heat and electric air conditioning; (F) low voltage dry-type
140 distribution transformers shall meet or exceed the energy efficiency
141 values shown in Table 4-2 of the National Electrical Manufacturers
142 Association Standard TP-1-2002; (G) torchiere lighting fixtures shall
143 not consume more than 190 watts and shall not be capable of operating
144 with lamps that total more than 190 watts; (H) traffic signal modules
145 shall meet the product specification of the "Energy Star Program
146 Requirements for Traffic Signals" developed by the United States
147 Environmental Protection Agency that took effect in February, 2001,
148 except where the secretary, in consultation with the Commissioner of
149 Transportation, determines that such specification would compromise
150 safe signal operation; (I) unit heaters shall not have pilot lights and
151 shall have either power venting or an automatic flue damper.

152 (2) Such efficiency standards, where in conflict with the State
153 Building Code, shall take precedence over the standards contained in
154 the Building Code. [After July 1, 1988] Not later than July 1, 2007, and
155 biennially thereafter, the secretary, in consultation with the
156 commissioner, [may] shall review and increase the level of such
157 efficiency standards upon a determination that increased efficiency
158 standards would serve to promote energy conservation in the state and
159 would be cost-effective for consumers who purchase and use such new
160 [appliances] products, provided no such increased efficiency standards
161 shall become effective within one year following the adoption of any
162 amended regulations providing for such increased efficiency
163 standards. [The secretary, in consultation with the commissioner, may
164 adopt such further regulations as necessary to implement the
165 provisions of this section.]

166 (3) The secretary, in consultation with the commissioner, may adopt
167 regulations, in accordance with the provisions of chapter 54, to
168 designate additional products to be subject to the provisions of this
169 section and to establish efficiency standards for such products upon a
170 determination that such efficiency standards (A) would serve to
171 promote energy conservation in the state, (B) would be cost-effective
172 for consumers who purchase and use such new products, and (C) that

173 multiple products are available which meet such standards, provided
174 no such efficiency standards shall become effective within one year
175 following their adoption pursuant to this subdivision.

176 (e) On or after July 1, [1988] 2006, except for commercial
177 refrigerators and freezers, for which the date shall be July 1, 2008, and
178 except for large packaged air-conditioning equipment, for which the
179 date shall be July 1, 2009, no new [appliance] product of a type set
180 forth in subsection (b) of this section or designated by the secretary
181 may be sold, offered for sale, or installed in the state unless the energy
182 efficiency of the new [appliance] product meets or exceeds the
183 efficiency standards set forth in such regulations adopted pursuant to
184 subsection (d) of this section.

185 (f) The commissioner, in consultation with the secretary, shall adopt
186 procedures for testing the energy efficiency of the new [appliances
187 covered by] products set forth in subsection (b) of this section or
188 designated by the secretary if such procedures are not provided for in
189 the State Building Code. The commissioner shall use United States
190 Department of Energy approved test methods, or in the absence of
191 such test methods, other appropriate nationally recognized test
192 methods. The manufacturers of such [appliances] products shall cause
193 samples of such [appliances] products to be tested in accordance with
194 the test procedures adopted pursuant to this subsection or those
195 specified in the State Building Code.

196 (g) Manufacturers of new [appliances covered by] products set forth
197 in subsection (b) of this section or designated by the secretary shall
198 certify to the commissioner that such [appliances] products are in
199 compliance with the provisions of this section. The commissioner, in
200 consultation with the secretary, shall promulgate regulations
201 governing the certification of such [appliances] products and shall
202 publish an annual list of such [appliances] products.

203 (h) [The commissioner shall cause periodic inspections to be made
204 of distributors or retailers of new appliances covered by subsection (b)
205 of this section in order to determine compliance with the provisions of

206 this section. The commissioner shall cause investigations to be made of
 207 complaints received concerning violations of this section and shall
 208 report the results of such investigations to the Attorney General.] The
 209 Attorney General may institute proceedings to enforce the provisions
 210 of this section. Any person who violates any provision of this section
 211 shall be subject to a civil penalty of not more than two hundred fifty
 212 dollars. Each violation of this section shall constitute a separate
 213 offense, and each day that such violation continues shall constitute a
 214 separate offense.

This act shall take effect as follows:	
Section 1	July 1, 2004

Statement of Legislative Commissioners:

In subdivision (17) of subsection (a) of section 1, "indication" was replaced with "indicator" and "communicates" was replaced with "communication of" for purposes of clarity.

ET *Joint Favorable Subst. C/R*

GAE

GAE *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Consumer Protection, Dept.	GF - Cost	None	70,695
Policy & Mgmt., Off.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Office of Policy and Management (OPM) , in consultation with the Department of Consumer Protection (DCP) , to adopt regulations establishing energy efficiency standards. By July 1, 2007 and biennially, thereafter, the OPM Secretary, in consultation with the DCP Commissioner, must review and increase the level of the efficiency standards upon determination that such efficiency standards are energy efficient and cost effective to consumers who purchase and use the new products. The bill also requires the commissioner to adopt procedures for testing energy efficiency of the new products.

If the DCP Commissioner makes a determination and if the expectations are for the department to enforce the provisions in the bill, the department would need 1 Consumer Protection Inspector at an annual salary of \$47,568 as well as additional associated expenses totaling \$76,195 in FY 06. These costs include \$19,127 which represent 40.21% in fringe benefit costs. These costs are budgeted centrally in miscellaneous accounts administered by the Comptroller. The one-time Equipment cost of \$4,000 would be eliminated in FY 07.

OLR Bill Analysis

sSB 145

AN ACT CONCERNING ENERGY EFFICIENCY STANDARDS**SUMMARY:**

This bill requires the Office of Policy and Management (OPM) secretary to establish, by regulation, energy efficiency standards for a variety of heating, cooling, lighting, and other types of products. It repeals existing standards for fluorescent ballasts and lamps and showerheads.

Under current law, showerheads and fluorescent lamps that do not meet state standards generally cannot be sold, offered for sale, or installed in the state. The bill instead subjects the products it covers, and additional products as designated by the secretary, to this prohibition generally starting July 1, 2006. The standards for commercial refrigerators and freezers go into effect on July 1, 2008 and those for large packaged air conditioning equipment on July 1, 2009.

The bill requires commissioner of agriculture and consumer protection to adopt procedures for testing the energy efficiency of the new products. It requires the products' manufacturers to have samples of them tested for compliance with the standards and certify to the commissioner that they meet them. It requires the commissioner, in consultation with the secretary, to adopt regulations regarding certification and to annually publish a list of the products (apparently those that are certified).

The bill eliminates a requirement that the commissioner of agriculture and consumer protection investigate complaints regarding violations of the law, have inspections made of the products covered under current law, and report the results to the Attorney General. By law, violators are subject to a civil penalty of \$250 with each violation and each day constituting a separate offense.

EFFECTIVE DATE: July 1, 2004

AFFECTED PRODUCTS

The bill requires the secretary to adopt standards by July 1, 2005 for the products described in Table 1. the standards are specified in Table 2.

Table 1: Affected Products

Product	Definition
Torchiere lighting fixture	Portable lamps with a bowl reflecting light upward for indirect illumination
Unit heater	Fan-type commercial heater that burns natural gas or propane, excluding products subject to federal regulation or certain direct-vent forced-flue heaters
Transformer	Device that has two or more coils of insulated wire designed to change the voltage or current value
Low-voltage dry-type transformer	Transformers that (1) have input voltage of up to 600 volts; (2) are between 14 and 2,501 kilovolt amperes in size; (3) are air, rather than oil-cooled; and (4) are included in relevant California regulations
Commercial refrigerators and freezers	Several types of products with less than 85 cubic feet of capacity, other than walk-in or consumer models regulated under federal law
Traffic signal module	Light sources, lenses, and other parts needed for a standard eight- or 12-inch stoop light
Illuminated exit sign	An internally illuminated sign designed to be permanently fixed in place, in which a light source illuminates the signs or letters
Large packaged air conditioning equipment	Packaged air conditioning units with at least 240,000 British Thermal Units (BTUs) of capacity
Commercial clothes washers	Soft-mounted washers designed to serve more than one household or in commercial applications if the washer is below a specified size

Table 2: Minimum Energy Efficiency Standards

Product	Standard
Commercial clothes washers	Cal. Code of Regulations § 1605. 3, Table P-3
Commercial refrigerators and freezers	Cal. Code of Regulations § 1605. 3, Table A-6, as effective August 1, 2004
Illuminated exit signs	Version 2. 0 specifications of the Energy Star requirements
Large packaged air conditioning equipment	<p>1. capacity of up to 760,000 BTUs per hour- energy efficiency ratio (EER) of 10.0 for units using electricity for heating and air conditioning of 9.8 for units with gas heating and electric air conditioning</p> <p>2. capacity of 761,000 BTUs per hour or more-EER of 9.7 for units using only electricity; EER of 9.5 for units using electricity for air conditioning and gas for heating</p>
Low voltage dry type transformers	National Electrical Manufacturers Association Standard TP-1-2002, Table 4-2
Traffic signals	Energy Star requirements that took effect February 2001
Torchiere lamps	Can consume no more than 190 watts and cannot be capable of operating in lamps that total more than 190 watts

The Transportation commissioner can waive the standard for traffic signals if he determines that it would compromise safe operation. In addition, the bill bars pilot lights on unit heaters and requires that they have either power venting or an automatic flue damper.

PRODUCTS DESIGNATED BY THE SECRETARY

The bill allows the secretary, in consultation with the agriculture and consumer protection commissioner, to adopt regulations to establish efficiency standards for additional products. To do so, the secretary must determine that (1) the standards would promote energy conservation and be cost-effective for consumers who buy and use them and (2) multiple products are available that meet the standards. Such standards cannot become effective earlier than one year after

their adoption.

In addition, by July 1, 2007 and every two years thereafter, the secretary must review the standards for the products covered by the bill. He can increase the standards subject to the same conditions as apply to newly designated products.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute Change of Reference

Yea 14 Nay 2

Government Administration and Elections Committee

Joint Favorable Report

Yea 17 Nay 0